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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,321

04/21/2004

Shuichi Seki

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06/05/2006

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EXAMINER

DINH, TRINH VO

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,321

Applicant(s)

SEKI, SHUICHI

Examiner

Trinh Vo Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/17/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to amendment filed 04/17/2006. Applicant's arguments with respect to reference Motomu are not deemed to be persuasive. Therefore, the rejections of claims 1-20 based on Motomu are retained and repeated for the following reasons.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-9, 11-17 and 19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura Motomu (JP 2000-058260 of record).

Respecting claims 1 and 11, Motomu discloses, in Fig. 2 and abstract, a self light emitting display with a structure wherein a first electrode (1) is formed on a transparent substrate (6), light emitting pixels by a light emission functional layer (2+3+2) which is composed of at least one or more layers are formed on the first electrode (1), a second electrode (1) is formed on the light emission functional layer (2+3+2), and the second electrode is covered with a sealing member (5), characterized in that the first electrode is constructed so as to allow light from the light emitting pixels to pass through the transparent substrate, that the second electrode is constructed so as to allow light from the light emitting pixels to pass through the sealing member side (abstract), and that at least a part of the sealing member (5) is formed of a light transmitting material.

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Respecting claim 2, Motomu further discloses the first and second electrodes (1, 1) being formed of a light transmitting electrically conductive material.

Respecting claims 4-9 and 12-17, Motomu's structure would perform the claimed functions of a first light emitting area by the light emitting pixels formed in the transparent substrate side and a second light emitting area by the light emitting pixels formed in the sealing member side are formed on a same front and rear position respectively, the display area of the second light emitting area by the light emitting pixels formed in the sealing member side is smaller than that of the first light emitting area by the light emitting pixels formed in the transparent substrate side, a light emitting display pattern displayed on the first light emitting area and a light emitting display pattern displayed on the second light emitting area are displayed by a horizontally symmetrical pattern or by a vertically symmetrical pattern, and a dot matrix display device in which the light emitting pixels are arranged in a matrix pattern and by being constructed in such a way that a light emitting display pattern displayed on the first light emitting area and a light emitting display pattern displayed on the second light emitting area are displayed through a mirror inversion.

Respecting claim 19, Motomu disclose the light emitting pixels being constituted by organic EL elements (abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 3 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Motomu in view of Okada et al (US 6,858,271 of record).

Motomu further discloses, in abstract, the first electrode (1) being formed of a light transmitting electrically conductive material (abstract), that the other electrode (3) being formed of a metal material. However, Motomu does not suggest that at least one aperture being formed on a part of the first or second electrode formed of the metal material. Okada discloses, in Fig. 2, apertures being formed on a part of an electrode layer (5) of the metal material (col. 14, lines 47+). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second electrode of Motomu with apertures as taught by Okada in order to allow light emitting from emitting layer.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motomu in view of Kato (US 2004/0004594 of record).

Motomu discloses every feature of the claimed invention except polarizing plates. Kato discloses, in Fig. 1, polarizing plates (18, 21) whose polarizing surfaces are mutually perpendicular are arranged in the transparent substrate side and the seal member side, respectively, as the light emitting pixels are placed in a center between them. Since the use of a pair of polarizing on both sides of a light emitting element has been a well-known practice in the art to provide perpendicular polarization. Therefore, to provide Motomu with polarizing plates would have been obvious to one skill in the art.

6. Claims 18 and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Motomu in view of Toda (US 2004/0012531 A1 of record).

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Motomu discloses every feature of the claimed invention except a discerning means. Toda discloses a discerning means (hinge 19 in Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Motomu's device with a hinge as taught by Toda for the purpose of operating the display device in different states.

Respecting claim 20, Motomu disclose the light emitting pixels being constituted by organic EL elements (abstract).

Response to the arguments

7. With respect to claim 1 and 11, Applicant argues that the "light emission functional layer" specified in claim 1 of the present application does not include an "electrode". Applicant also argues that the display plates of Motomu are not the same as the transparent substrate of claim 1 since the transparent substrate of claim 1 is a glass substrate, which is defined in the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., light emission functional layer does not include an "electrode", and "glass substrate") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, the Applicant argues that Motomu does not disclose electrodes being arranged on both sides of a light emission functional layer. The Examiner respectfully disagrees. As shown clearly in Fig. 2, two electrodes (1) are arranged on both side of the light emission layer (2+3+2). Since Motomu discloses all the claimed invention. Therefore, 102 rejections of claims 1 and 11 are retained and proper.

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8. With respect to the rejections of dependent claims 2-10 and 12-20, which employing the additional teaching of Motomu, Okada and Kato, Applicant has not offer any specific argument thereagainst. Accordingly, no further comments concerning the rejections of the dependent claims are necessary.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 30, 2006

**TRINH DINH
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Trinh Dinh', followed by a long horizontal line extending to the right.